

## **REMARKS**

Claim 40 has been amended. Claims 1-47 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 112, Second Paragraph, Rejection:**

The Office Action rejected claim 40 under 35 U.S.C. § 112, second paragraph, as indefinite. Applicants submit that this rejection has been overcome by the above amendment to claim 40.

### **Double Patenting Rejection:**

The Office Action rejected claim 47 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 41 and 43 of U.S. Serial No. 09/625,381. A terminal disclaimer to obviate the double patenting rejection of claim 47 is included herewith. Accordingly, Applicant respectfully requests removal of the double patenting rejection of claim 47.

### **Allowed Claims:**

Claims 1-39 and 41-46 are allowed.

### **Allowable Subject Matter:**

The Office Action indicated that claim 40 would be allowable if amended to overcome the rejection under 35 U.S.C. 112, second paragraph. Claim 40 has been amended to overcome the rejection under 35 U.S.C. 112, second paragraph. Therefore, Applicant asserts that claim 40 is now in condition for allowance.

## CONCLUSION

Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-55000/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Fee Authorization Form authorizing a deposit account debit in the amount of \$  
for fees (        ).
- ☒ Terminal Disclaimer

Respectfully submitted,



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